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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 EDDIE J. COMBS,

8 Petitioner,

9 v.

10 ARTHUR D. CURTIS, SPOKANE  
11 COUNTY DISTRICT ATTORNEY, STEVE  
12 TUCKER, and CLARK COUNTY  
PROSECUTING ATTORNEYS OFFICE,

Respondents.

No. C11-5884 RBL/KLS

ORDER DIRECTING SUBSTITUTION OF  
PARTY

13 Mr. Combs has filed a proposed petition for writ of habeas corpus naming various  
14 individuals including the Spokane and Clark County prosecuting attorneys as Respondents. ECF  
15 No. 1-1. On December 16, 2011, Mr. Combs was ordered to pay the \$5.00 filing fee and to  
16 amend his petition to name the proper Respondent. ECF No. 8. Mr. Combs has paid the \$5.00  
17 filing fee (TAC009420). He submitted a largely illegible “amended” petition, but refuses to  
18 name his current custodian because that custodian is not the custodian of the case for which he  
19 has filed his petition.  
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21 The proper respondent to a habeas petition is the “person who has custody over [the  
22 petitioner].” 28 U.S.C. § 2242; see also § 2243; *Brittingham v. United States*, 982 F.2d 378 (9th  
23 Cir. 1992); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). According to his petition, Mr.  
24 Combs is currently confined at the Coyote Ridge Corrections Center. The Superintendent of the  
25 Coyote Ridge Corrections Center is Jeffrey A. Uttecht. Although Mr. Combs believes that his  
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1 custodian, for purposes of his petition, is the person who had custody of him in 1990, this is  
2 incorrect. After the petition is served on his current custodian, the Attorney General for the State  
3 of Washington will file an answer to Mr. Combs' habeas petition on behalf of the State of  
4 Washington regarding Mr. Combs' 1990 Clark County Superior Court sentence.

5 Accordingly, the Clerk of Court is directed to substitute Jeffrey A. Uttecht as the  
6 Respondent in this action. The Clerk is also directed to docket Mr. Combs' proposed petition  
7 (now docketed as ECF No. 1-1) as the petition under which this case shall proceed, and shall  
8 send copies of this Order to Petitioner and counsel for Respondent.  
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11 **DATED** this 27th day of January, 2012.

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14 Karen L. Strombom  
15 United States Magistrate Judge  
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